



PATENT

Atty. Docket No.: 101.0050-00000
Express Mail Label No. EL399233695US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: 08/484,928

Filed: June 7, 1995

For: FRUSTO-CONICAL INTERBODY
SPINAL FUSION IMPLANT

Art Unit: 3764

Examiner: Brown, M.

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

REPLY TO OFFICE ACTION UNDER 37 C.F.R. § 1.111

This communication is responsive to the Office Action dated October 1, 1999, Paper No. 15.

Please amend the Application as follows:

IN THE CLAIMS:

Please cancel claim 84 and amend the claims as follows:

1. (three times amended) An interbody spinal fusion implant for insertion across a disc space between adjacent [vertebrae] vertebral bodies of a human spine, the implant comprising a body having an insertion end, a trailing end, a length between said ends, and an outer surface including bone engaging means for engaging said implant to adjacent [vertebrae] vertebral bodies of the spine, the outer locus of said bone engaging means forming a substantially frusto-conical configuration along at least a portion of said bone engaging means [oriented toward] that is adapted to contact the adjacent [vertebrae] vertebral bodies when implanted in the spine, said substantially frusto-conical configuration being along at least a portion of the length of said

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Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

Small entity status of this application under 37 C.F.R. §§ 1.9 & 1.27 has been established by a verified statement previously submitted.

A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 & 1.27 is enclosed.

Change of correspondence address.

No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	171	-	167	**	4	LG=\$18 SM=\$9	\$ 18
INDEPENDENT CLAIMS FEE	9	-	8	***	1	LG=\$78 SM=\$39	\$ 78
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$260 SMALL ENTITY FEE = \$130	\$ 0
						TOTAL	\$ 150

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

A check in the amount of \$ 1,020.00 to cover the additional claims fee and three month extension of time fee is enclosed. **A copy of this sheet is enclosed.**

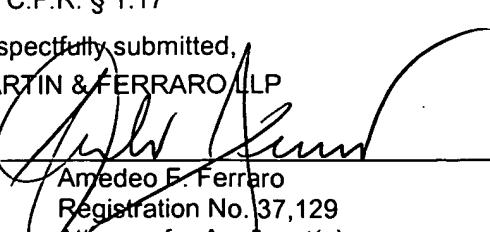
The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. **A copy of this sheet is enclosed.**

Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims

Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO LLP

By


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Registration No. 37,129
Attorney for Applicant(s)

Date: March 20, 2000

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